## APPENDIX "A"

In the United States District Court
for the Southern District of Illinois
Southern Division

Edwin A. Walker,
Plaintiff,
v.
Columbia Broadcasting System Inc., and Donald J. Cannon,
Defendants.
} Civil No. 4281

**Affidavit in Opposition to Motion for Reconsideration**

(Filed September 18, 1969)

State of Texas
County of Dallas } ss.

Edwin A. Walker, being duly sworn, deposes and says:

1. I am Plaintiff in this cause and have personal knowledge of the matters herein referred to and make this Affidavit in opposition to the Defendants' Motion for Reconsideration.

2. Plaintiff resides in Dallas, Texas, and the witnesses who will testify for the Plaintiff in this case are from the states of Texas and Mississippi, and a trial of this cause in Springfield, Illinois, will be more convenient and less expensive for Plaintiff and for these witnesses than trial in Chicago, Illinois.

3. Neither the testimony of the Defendant Columbia Broadcasting System, Inc.'s employees, Allen W. Kurman and Paul A. Fanning, who signed the affidavits at-

tached to Defendants' Motion for Reconsideration, nor the testimony of the other four technicians named in the Kurman affidavit as having worked on the Don Cannon Show at the time of the broadcast in question, is necessary at the trial because said Defendant is required by the Federal Communications Commission to retain and to furnish to Plaintiff the transcript of the program broadcast by the Defendants on the evening of September 16, 1967, which is the subject of Plaintiff's Complaint, and which Plaintiff requested from Station WBBM on October 11, 1967.

4. If Plaintiff had filed suit against the Defendants in Texas, said alleged witnesses would be required to travel not the short distance to Springfield, Illinois, which is less than three hours by automobile and less than one hour by plane, but the lengthy distance to Dallas, Texas. Traveling the comparatively short distance from Chicago to Springfield on Interstate Highway 55 or by the available commercial jet aircraft is not a hardship and could be so co-ordinated with Plaintiff's counsel that the witnesses named by Defendant, whose testimony Plaintiff does not consider necessary or relevant, would not be required to be away from their jobs more than one day.

/s/ Edwin A. Walker
Edwin A. Walker

Subscribed and sworn to before the undersigned Notary Public this 15th day of September, 1969.

/s/ Harry M. Alexander
Notary Public

My Commission Expires: June 1, 1971.